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Minutes of the IAG Committee on Labor-Management Relations

September 13, 1979

Tony Ingrassia, Assistant Director for Labor-Management Relations chaired the meeting. He gave a brief overview of the recent reorganization of OPM's Office of Labor-Management Relations, and then introduced Mr. Jay Cohen from GSA, Region III, who spoke about the new GSA regulations on parking which were published in the September 13, 1979 Federal Register. The regulations, which are effective as of November 1, 1979, give GSA the responsibility to determine parking rates in GSA-controlled buildings. Mr. Cohen noted that in non-GSA buildings, the agency can either determine its own rates for parking subject to GSA approval, or can request that GSA make the rate determination. There was some discussion concerning the use of payroll deductions as a means of collecting such parking fees. Mr. Cohen expressed concern over the administrative problems that such payroll deductions could cause, since there will be a requirement for monthly prepayment. A discussion of the labor-relations implications of the new parking policy followed. Mr. Ingrassia noted that agencies could expect considerable union activity in this area, and suggested that agencies should submit their initial comments to GSA on the regulations by October 1, 1979. However, GSA will entertain agency comments until March 31,1980.

Mr. Ingrassia then alerted the agencies to several recent decisions of the FLRA. Dick Brecher, Army, discussed 1 FLRA No. 97, in which the Authority found that the "performance standards" in that case constituted a "method" within Section 12 (b) of the Order rather than a measure of individual productivity encompassed by Section 11(a).

Dick Parisi, SSA, spoke about Assistant Secretary Case No. 70-6251(GA), Social Security Administration, Bureau of Retirement and Survivors' Insurance, Western Program Service Center, Richmond, CA, in which individual "quantity and quality" standards were found to be arbitrable, under the specific terms of the agreement involved.

Mr. Ingrassia discussed 1 FLRA No. 102, Internal Revenue Service, New Orleans District Office, in which the Authority ruled negotiable a proposal outlining the criteria to be used in determining whether an employee's request to work in or out of his or her residence would be approved. In that case, the Authority found that management must negotiate on any procedures it will observe in exercising any reserved rights under the Statute, "unless such negotiations would prevent the agency from acting at all." Mr. Ingrassia noted that this case seemed to indicate a movement away from the Council's decision in FLRC No. 74A-33, Blaine Air Force Station, Blaine, WA., and that agencies could expect more to be found negotiable under procedures

He urged that agencies, in arguing meritorious cases before the FLRA, fully document facts and circumstances supporting a position that the challenged procedures would so unreasonably delay management's action as to be tantamount to preventing the agency to act at all.

Mr. Ingrassia announced that there will be a special meeting of the IAG on October 2, 1979, at 2:00 p.m., to discuss the FLRA's Interim Rules and Regulations. The members of the FLRA, as well as the General Counsel, will be available to answer any questions agencies may have concerning the regulations, before the October 31, 1979 deadline for agency comments.

Mr. Ingrassia then discussed a recent instance where an agency submitted to OPM for approval a negotiated performance appraisal system which could be interpreted as providing for rating employees only on the critical elements of their jobs. OPM notified the agency that any such interpretation would be illegal, since performance appraisals will be used for training, reassignment, etc., and, therefore, must provide for rating employees on all elements of their jobs necessary to make such decisions, not just those related to disciplinary actions for non-performance. Mr. Ingrassia noted that all agency-wide appraisal systems including those resulting from negotiations have to be approved by OPM per FPM Bulletin 430-2, April 3, 1979.

In discussing the Merit Pay Regulations which were published in the September 7, 1979, Federal Register, Mr. Ingrassia noted that the agencies must decide who will be covered by Merit Pay and that there is no appeal to the FLRA. A discussion followed concerning the advisability of filing CU petitions when large numbers of employees whose bargaining unit status has not previously been questioned are considered covered by Merit Pay.

Bill Owens, Justice, and Stu Foss, DoD, discussed management's right to respond to union submissions under 5 USC 7117(c)(4).

Ron Leahy, Chief, Technical Guidance and Information, announced that FPM Bulletin 171-576, dated August 15, 1979, contained instructions on how agencies could continue receiving the Consultant.

Paul Sevec, LAIRS, announced that LMR 4 cards were due for update, and that agencies should submit them as soon as possible.

Mr. Ingrassia asked the agencies what they were doing to fulfill their obligation to notify new employees of their rights under Section 7114(a)(2)(6) of the Statute, and found that most agencies were placing a notice concerning this right in new employee orientation kits.